

PLANNING COMMISSION

ACTION MINUTES

TUESDAY, APRIL 1, 2003

Chair Mathewson called the meeting to order at 7:01 p.m. at the Twin Pines Senior and Community Center.

Chair Mathewson announced that Commissioner Torre will not be at the meeting and that new Commissioners Dickenson and Long will need to recuse themselves from voting on the Minutes since they were not members of the Commission at that time.

1. ROLL CALL:

Present, Commissioners: Mathewson, Parsons, Gibson, Frautschi, Dickenson, Long

Absent, Commissioners: Torre

Present, Staff: Community Development Director Ewing (CDD), Principal Planner de Melo (PP), City Attorney Savaree (CA), Recording Secretary Flores (RS)

2. AGENDA AMENDMENTS: None

3. COMMUNITY FORUM (Public Comments): None

4. CONSENT CALENDAR:

4A. Resolution of Appreciation for Elizabeth Wiecha

Chair Mathewson read a Resolution of Appreciate for Outstanding Public Service to Elizabeth Wiecha for her six years of service on the Belmont Planning Commission, and presented her with a plaque and a token of appreciation.

4B. Resolution of Appreciation for Coraline Feierbach

Chair Mathewson stated Coraline received her plaque at the Commissioners Dinner in March and presented her with a Resolution of Appreciation for Outstanding Public Service for her one and a half years of service on the Belmont Planning Commission and previous service on the Planning Commission, and as Councilmember and Mayor.

4C. Minutes of 2/18/03

4D. Minutes of 3/4/03

MOTION: By Commissioner Parsons, seconded by Commissioner Frautschi to approve the Minutes of February 18, 2003 and March 4, 2003.

Motion passed 4/0. Absent: C Torre. Recused: C Dickenson and C Long

5. PUBLIC HEARINGS:

5A. PUBLIC HEARING - 2509 Read Avenue

To consider a Single-Family Design Review to remodel and build a new second-story addition to the existing 2,422 square foot residence for a total of 3,465 square feet in a zoning district that permits 3,500 square feet. Continued from December 3, 2002 Commission Hearing. (Appl. 02-0051)

Zoned: R-1B (Single-Family Residential)

APN: 044-241-070

CEQA Status: Categorical Exemption per Section 15301, Class 1(e)

Owner: Nicholas and Thelma Rocco

Applicant: Frank Magdaleno

PP de Melo summarized the staff report, noting that at the December 3, 2002 meeting the Commission continued the project to allow for direction to be given to the applicant to redesign the proposed second-story addition. The applicant has since changed the design to create view corridors on both sides of the dwelling in order to address the Commission's concerns. Staff recommended approval of the application.

Commissioners Frautschi and Mathewson stated for the record that they had visited the site, met with the applicant, and looked at the back yard.

Frank Magdaleno, applicant, stated that he believes all of the objectives of the Commission and staff have now been met. He added that PP de Melo described the slope of the house as being 10' to 11' high and wanted to make it clear that this is at the center point of the house, but at the very edges it will be 7' high.

Chair Mathewson opened the Public Hearing.

Joe Keenan, 2504 Read Avenue, stated that he objected to the addition as proposed at the December 3, 2002 meeting as it would block his view of Kings Mountain. Reducing the sides on the project does nothing to stop his objection, as his view will still be blocked. He wanted to go on record as objecting to a statement by a Commissioner at the December meeting that somebody built a house across the street from her with approval of the Commission, so why shouldn't it happen on his block. He does not think it should happen on his block and does not believe that that kind of an attitude belongs on a public commission. He believes that the purpose of this Commission is not to perpetuate past mistakes but to see that past mistakes do not happen again. He wanted the record to show that if this project is approved, it will look like a 10' billboard on the side of his house.

Grace Lee, 2506 Read Avenue, stated that her husband had objected to the project at the December meeting, and she still objects to the application. She questioned why no mention had been made about the foundation of the subject house, and felt that extending to the back would not block the public view and would increase the value of the subject property as well as hers. She added that the houses on that side of the street are all one story, and fears that if this is built everybody else will build up and the uniformity of the neighborhood will be ruined.

Applicant Magdaleno responded to the above comments by stating that it is much cheaper for him to build up as opposed to going back, due to the cost of landfill and since he is going to have to retrofit the existing foundation. Regarding the uniformity of the neighborhood, he distributed pictures showing that a house six houses away is a two-story house, and the others in the block are all varied in heights and have different pitches. His house would be among the highest but not the highest.

MOTION: By Commissioner Parsons, seconded by Commissioner Frautschi, to close the public hearing. Motion passed

C Gibson stated that at the present time the Commission has no authority to protect people's private views; they only have the authority to minimize disruption of existing public views. He believed the applicant made reasonable compromises and could support the project.

C Frautschi agreed with C Gibson and felt that the estimated \$50,000 to go back on the lot would be an unreasonable expense.

C Dickenson also had visited the site and added that he felt that pruning the trees in front of the property might actually improve part of the view.

C Long felt that the issue of the Commission's ability to look at protecting private views should be looked at as an issue in the future, and agreed that the cost of moving the project to the back of the property would be an undue burden to place on the applicant.

C Parsons concurred with what had already been said.

Chair Mathewson agreed that at some point the Council might want to look at making a policy decision so that the Commission could look at private views, and felt that the reduction on the sides of the project would help the public view. He does not believe the Commission can look at cost to an individual as a factor in making a decision.

MOTION: By Commissioner Long, seconded by Commissioner Frautschi, to adopt the Resolution approving a Single-Family Design Review at 2509 Read Avenue, with the conditions as modified by staff.

Ayes: Gibson, Frautschi, Dickenson, Long, Parsons, Mathewson

Noes: None

Absent: Torre

Motion passed 6/0/1

C Mathewson noted that this item may be appealed to the City Council within ten days.

5B. PUBLIC HEARING - 3830 East Naughton Avenue

To consider a Variance, Single-Family Design Review, and Tree Removal Permit to build a new 2,598-square-foot single-family residence in a zoning district that permits 2,620 square feet. (Appl. 02-0062)

Zoned: HRO-2 (Hillside Residential and Open Space)

APN: 043-390-090

CEQA Status: Categorical Exemption per Section 15303, Class 3(a)

Owner: Matthew Hawks

Applicant: Peter Valerio

PP de Melo summarized the staff report, recommending approval subject to the conditions of approval in the attached draft resolution. He noted that there are some minor wording changes to the Conditions which will be corrected if the Commission grants the application, and added that Condition 1.A.6 calls for 9 replacement coast live oak trees rather than 7. The concern is trying to find a place for them on the site, and he suggested that staff could potentially enter into discussions with adjacent property owners to see if the trees could be installed on the nearby bank of open space. Responsibility for the maintenance and survival of the trees would be borne by the project applicant. Staff, as well as the applicant and his project team, was available to answer any questions.

PP de Melo responded to C Frautschi's questions as follows: 1) Regarding the appropriateness of the Geotechnical Report, since it is 3 years old, PP de Melo stated that a rule of thumb for geotechnical reports is a shelf life of about 3-5 years. There is a condition of approval that, prior to the issuance of any Building Permits, the applicant's geotechnical report will also be subject to review and approval by the City's geotechnical consultant, Cotton Shires. PP de Melo added that it is staff's opinion that the report is adequate and the City is protected once the City's geotechnical consultant approves the project. 2) Regarding Page 3 of the Conditions of Approval, #14, PP de Melo stated that Public Works and Community Development staff will work with the applicant to come up with a solution repairing the drainage ditch that is acceptable to everyone. 3) Regarding Planning Division's condition #8, Monitoring, PP de Melo stated that, typically, the applicant's arborist would monitor the project but the City's arborist does periodic inspections to make sure that the tree protection measures are fully in place prior to grading, during construction, and at a couple of points during construction.

Regarding Condition 19, Post Construction Tree Care, Chair Mathewson asked who verifies that the health of the trees is monitored for a period of no less than 5 years by a qualified professional arborist. CDD Ewing responded that he has not seen a five-year recommendation before and since it could become an administrative burden, he suggested that an annual report would be appropriate and that they should revisit what is an appropriate time schedule for these kinds of inspections.

C Gibson asked for clarification of the reference to an alternate storm drain on East Naughton. PP de Melo responded that there is a condition that requires repairs to those ditches that must be accepted by the Planning and Public Works Departments.

Responding to C Long's question, PP de Melo stated that the City's Tree Ordinance provides that the Commission can require a maximum of a 3/1 ratio of replacement trees that are of a 15-gallon size. Regarding the amount of grading required for the project, C Long questioned whether the 97 cubic yards of cut and fill was an accurate estimate. PP de Melo responded that downhill slope properties generally do not require a lot of fill, and their illustration has been verified by the City's Public Works staff and Cotton Shires.

Jerry Hawks, contractor for the project, addressed the Commission to note that he has a topo map of the property that was done with the original subdivision in 1990 which shows that the drainage swale was actually existing then. Now the storm drains from the street go down to the creek in another way, so that all the runoff from that hill does not flow into this property. He added that some of the smaller pipes that are sticking out of the side of the bank are utilities that were stubbed out - they are not drain pipes - so actually water is not flowing down there. He is willing to do whatever the Public Works Department wants done with regard to the drainage ditch. Regarding the grading, he stated that since the house will be pushed back to get one of the lower bedrooms back into the slope, there really is not a lot of grading to be done.

Chair Mathewson opened the public hearing. No one came forward to speak.

MOTION: By Commissioner Parsons, seconded by Commissioner Frautschi, to close the public hearing. Motion passed.

C Frautschi quoted from the San Juan Hills Plan, which says "Building on a downhill side with steep slopes may require less grading but can result in structures that are highly visible, inadequately set back from the street, and oversized in appearance." He felt that those issues were addressed in the application. He had no problem with the encroachment on the City easement since it does not seem like a special privilege. He would like to see more native plantings in the crosshatch area so that it cannot be seen from the road. He likes the design and can find for all of the findings. He added that he might have voted differently if this were the first house that was appearing on Naughton but it seems to be the last one that will be there.

C Gibson felt that the whole Naughton project was ill conceived, but could give some credit for at least reducing the density. He said that the San Juan Plan called for clustering but the houses are spaced out and look forlorn and isolated. Responding to his comment about never knowing who chopped down tree #5, Peter Valeri, project manager, stated that he has photos showing that that was a stump when they first went in there to take photos. C Gibson thought it would make sense to take all 9 of the replacement trees and parcel them out up and down the street. CDD Ewing noted that there may be ways to take care of that but they can't force a third party to accept a tree as a condition of approval but some flexibility can be introduced into the condition to allow for offsite planting as an option.

C Parsons stated that his only real concern is the width of bridge. He believes it is a policy that driveways are meant to be adequate to approach the garage in terms of width, and he would like to add a condition that it be reduced from 25' to 21'.

Commissioners Long, Dickenson and Mathewson agreed with the previous comments and recommendations.

MOTION: By Commissioner Parsons, seconded by Commissioner Frautschi, to adopt the Resolution approving a Variance, Single-Family Design Review and Tree Removal Permit at 3830 E. Naughton Avenue, with the Conditions of Approval as attached and the following additions: 1) staff working with the applicant and neighbors to possibly move some of the replacement trees to the other properties; 2) reducing the width of the driveway to 21 feet; 3) staff working out a tree reporting on the maintenance per Condition 19; and 4) to increase the vegetation screening of the driveway latticework.

Ayes: Parsons, Frautschi, Dickenson, Gibson, Long, Mathewson

Noes: None

Absent: Torre

Motion Passed 6/0/1

C Mathewson noted that this item may be appealed to the City Council within ten days.

6. NEW BUSINESS

Motion by Commissioner Parsons, seconded by Commissioner Gibson to elect Commissioner Mathewson as Chair of the Planning Commission. Motion passed by acclamation.

Motion by Commissioner C Frautschi to elect C Gibson as Vice Chair. Motion passed by acclamation.

7. REPORTS, STUDIES, UPDATES AND COMMENTS

CDD Ewing reported that he has been reviewing three bids that were received from consulting firms interested in conducting the City's Visioning process. Staff and the Council Subcommittee plan to bring forward a recommendation at the August 22nd meeting. He also plans to take the RFP for Economic Development Strategy consultant work to the next Council meeting. He explained the process to be followed to create a Vision for Belmont, and believes that the coming year will be a very significant and exciting year for the City.

Chair Mathewson asked about the status of the Single-Family Design Review discussion that had been postponed due to CDD Ewing's illness. CDD Ewing stated that he would attempt to have it on the next agenda, depending on the schedule.

C Gibson noted that the right-turn traffic lane by Sunrise has not been built. CDD Ewing stated that it is a capital improvement program that was not the responsibility of the project. He will check with Public Works to determine where it is programmed into their capital improvement plan, and respond to the Commission by e-mail.

Chair Mathewson encouraged the two new Commissioners to consult with the more experienced Commissioners if they have questions about the Zoning Code or any of the more technical aspects of their new responsibilities.

8. PLANNING COMMISSION LIAISON TO CITY COUNCIL MEETING OF TUESDAY,

April 8, 2003.

Liaison: Commissioner Dickenson

Alternate Liaison: Commissioner Parsons

9. ADJOURNMENT:

The meeting adjourned at 8:25 p.m. to a regular meeting on Tuesday, April 15, 2003 at 7:00 p.m. at Twin Pines Senior and Community Center.

Craig A. Ewing, AICP

Planning Commission Secretary

Audiotapes of Planning Commission Meetings are available for review

in the Community Development Department

Please call (650) 595-7416 to schedule an appointment.